



# Quick Facts

— Marijuana Trafficking Offenses —

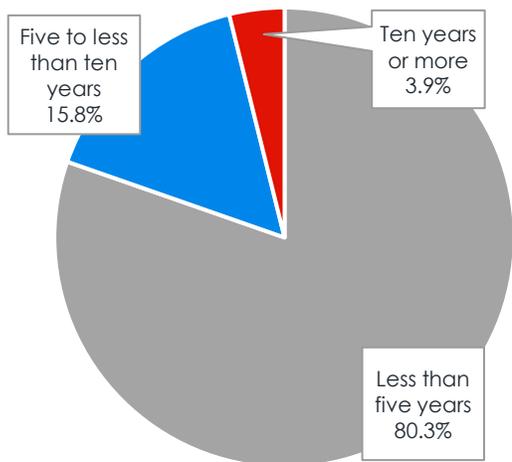
## Fiscal Year 2021

- ▶ IN FY 2021, 57,287 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 17,692 CASES INVOLVED DRUGS.<sup>1</sup>
- ▶ 17,520 INVOLVED DRUG TRAFFICKING.<sup>2</sup>
- ▶ 5.7% OF DRUG TRAFFICKING CASES INVOLVED MARIJUANA.
- ▶ MARIJUANA TRAFFICKING OFFENDERS HAVE DECREASED BY 63.7% SINCE FY 2017.

**Number of Marijuana Trafficking Offenders**



**Sentence Length FY 2021**



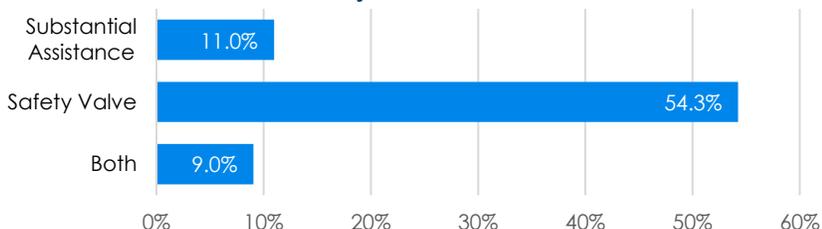
## Offender and Offense Characteristics<sup>3</sup>

- 90.3% of marijuana trafficking offenders were men.
- 63.7% were Hispanic, 17.0% were Black, 13.5% were White, and 5.8% were Other races.
- Their average age was 34 years.
- 59.7% were United States citizens.
- 66.7% had little or no prior criminal history (Criminal History Category I); 1.8% were career offenders (§4B1.1).
- The median base offense level in these cases was 22, corresponding to between 80 and 100 kilograms of marijuana.
- Sentences were increased for:
  - ◆ possessing a weapon (19.1%);
  - ◆ a leadership or supervisory role in the offense (5.5%).
- Sentences were decreased for:
  - ◆ minor or minimal participation in the offense (32.1%);
  - ◆ meeting the safety valve criteria in the sentencing guidelines (49.4%).
- The top five districts for marijuana trafficking offenders were:
  - ◆ Western District of Texas (206);
  - ◆ Southern District of Texas (198);
  - ◆ District of Arizona (79);
  - ◆ District of New Mexico (31);
  - ◆ Eastern District of California (23).

## Punishment

- The average sentence for marijuana trafficking offenders was 30 months.
- 88.8% were sentenced to prison.
- 37.2% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 74.3% were relieved of that penalty.

**Means of Relief from Mandatory Minimum Penalty for Marijuana Traffickers**





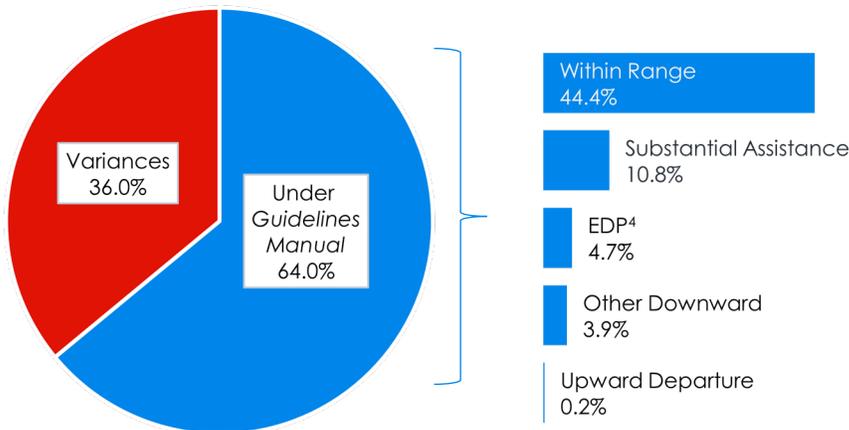
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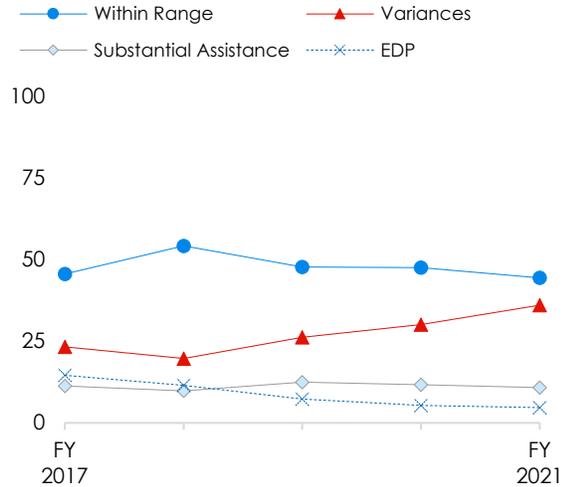
**Sentences Relative to the Guideline Range**

- Of the 64.0% of marijuana trafficking offenders sentenced under the *Guidelines Manual*:
  - ◆ 69.4% were sentenced within the guideline range.
  - ◆ 16.9% received a substantial assistance departure.
    - ◇ Their average sentence reduction was 61.6%.
  - ◆ 7.3% received an Early Disposition Program (EDP) departure.<sup>4</sup>
    - ◇ Their average sentence reduction was 59.7%.
- 36.0% received a variance; of those offenders:
  - ◆ 92.1% received a downward variance.
    - ◇ Their average sentence reduction was 49.5%.
  - ◆ 7.9% received an upward variance.
    - ◇ Their average sentence increase was 268.6%.
- The average guideline minimum slightly increased while the average sentence imposed remained steady over the past five years.
  - ◆ The average guideline minimum increased from 35 months in fiscal year 2017 to 41 months in fiscal year 2021.
  - ◆ The average sentence imposed increased from 27 months in fiscal year 2017 to 30 months in fiscal year 2021.

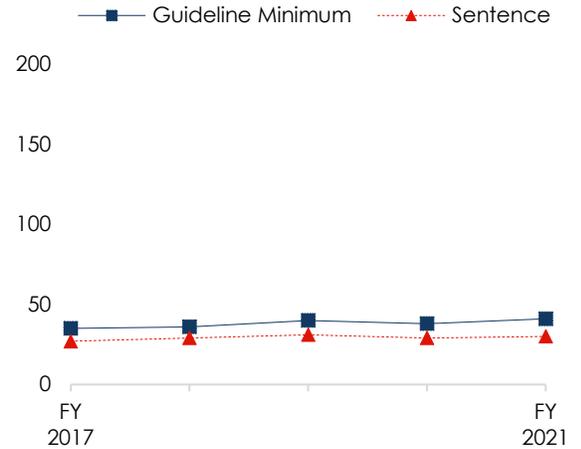
**Sentence Imposed Relative to the Guideline Range FY 2021**



**Sentence Relative to the Guideline Range (%)**



**Average Guideline Minimum and Average Sentence (months)**



<sup>1</sup> Drug offenses include cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs). There were 1,014 marijuana offenders sentenced under USSG Chapter Two, Part D (Drugs) in FY 2021.

<sup>2</sup> Drug Trafficking offenders were sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life), or 2D1.14 (Narco-Terrorism).

<sup>3</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>4</sup> "Early Disposition Program (or EDP) departures" are departures where the government sought a sentence below the guideline range because the defendant participated in the government's Early Disposition Program, through which cases are resolved in an expedited manner. See USSG §5K3.1.